

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**JUAN RODRIGUEZ,**

**Defendant.**

**8:07CR222**

## ORDER

This matter is before the court on defendant's Motion to continue the pretrial motion deadline and trial date [11]. The deadline for filing pretrial motions expired on September 20, 2007, at which time trial was set for October 30, 2007. Upon the representation that opposing counsel did not produce requested "taped discovery material" until September 20, the court will grant defendant an extension of time to October 15, 2007 to file any substantive pretrial motions. The trial will remain set for October 30, 2007, but may be rescheduled if a substantive pretrial motion is filed.

**IT IS ORDERED:**

1. Defendant's Motion [11] is granted, in part. Defendant is given an extension of time to **October 15, 2007** to file substantive pretrial motions. The **October 30, 2007** trial date remains in effect; however, trial may be rescheduled if any substantive pretrial motions are timely filed.

2. The ends of justice will be served by granting defendant's motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., the time between **September 28, 2007 and October 15, 2007**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel required additional time to adequately prepare the case, taking into consideration the diligence of counsel. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

3. Defendant shall file an affidavit or declaration regarding speedy trial in accordance with NECrimR 12.1 and/or 12.3 as soon as is practicable.

**DATED October 1, 2007.**

**BY THE COURT:**

**s/ F.A. Gossett**  
**United States Magistrate Judge**